

1893-016 Chancery Causes: J. M. Duff vs. M. W. Livingston &
Lee Co.

Mans

CA-Debt
T-Property

Virginia, Lee County Circuit Court:

To the Hon. H. S. K. Morrison,

Judge of the said court in Chy:
J. M. Duff, who sues for himself and such
other lien creditors of M. H. Livingston
and C. F. Maness as shall come in, take
part in, and share the costs of this suit,
complaining, sheweth unto the court, that
at the April term, 1892, of the Circuit
Court of Lee County, he recovered a judg-
ment against said M. H. Livingston
for the sum of \$143.24, with legal interest
thereon from the 24th day of Sept., 1891, un-
til paid and the costs, \$8.35; that he
had sued out of the circuit court clerk's
office of said county a writ of fieri
facias on said judgment and placed
the same in the hands of the sheriff of
said county, who levied the same on
certain property of said Livingston,
who desiring to retain said property
in his possession until the day of sale
thereof, executed executed a forth-
coming bond, with said C. F. Maness
as his surety, for the delivery of said
property at the time and place of
sale of the same; that said Livingston
and Maness failed to deliver said prop-
erty on the day and at the place of sale;
and that your complainant, at the
March term, 1893, of the said Circuit
Court of Lee County, recovered a

judgment against said Livingston and Maness for the sum of \$303.18, the penalty of said forthcoming bond, to be discharged by the payment of \$157.59, with legal interest thereon from the 6th day of June 1892, and \$7.50 costs,— a copy of which said judgment is herewith filed marked exhibit "A" and prayed to be read as part of this bill; That no part of either of said judgments has ever been paid; That said original judgment was duly docketed on the 20th day of April, 1892, in the judgment lien docket in the clerk's office of the county court of Lee County; That the records of the County Court Clerk's office of Lee County show other judgments in favor of other parties against said Livingston and Maness, but your complainant does not know whether the same are paid or not, and to make all such parties to this suit would be to make this record cumbersome and lengthy.

Your orator further avers and charges that the said Livingston, and possibly said Maness, are seized and possessed in their own right of lands lying and being in Lee County, Va. on the waters of Blackwater creek; That the rents and profits of said land will not in 5 years satisfy the judgments which are liens upon the same, and that he

is therefore entitled to have the same sold to satisfy his own and the other liens thereon.

In consideration whereof your orator prays that the said M. H. Livingston and C. F. Maness be made defendants to this bill; and required to answer the same on oath; that proper process issue; that all proper orders and accounts be directed and taken; that the lien creditors of the said M. H. Livingston and C. F. Maness be convened before a Master Commissioner in Chancery of this court; that the lien debts of the said M. H. Livingston and C. F. Maness be ascertained and the amounts thereof, and their order of priority of liens be established; that if it appear that the rents and profits of the said land will not in five years pay the judgments, which are liens upon the same, that it, or so much thereof as will suffice to satisfy the liens thereon and the costs of suit and sale, be sold, and the proceeds thereof be applied to the payment of the said costs and liens; and that all such other, further and general relief may be given as in the premises is just and right. And your orator will ever pray
tc.

Perminington & Gouin,

Jr. Jr.

Lax. 1.50 Paid
 7.63 Paid
 8 1.00 Paid
 15.00 Paid

Estimate
 \$25.13
 76
 \$25.89

[P.V.G.]

J.M. Ruff

vs Bill in Chg.

M. W. Livingston vs

1893 2nd May Rules Bill

Filed Sp. Exp. & D. V. R. R.

" 1st June Rules D. V. R. R.

Conf'd & came set for hearing
by Plaintiff.

" June Term Cont'd

" Nov 2 Pierce find

@ 83, 578

Settled &

Dismissed by Plff.

Total sum paid

Wm = \$194.70

J. M. Duff

vs.

M. H. Livingston & als.

} In Chancery.

This cause came on again this day to be heard upon the papers formerly read therein, and the plaintiff, by his attorney, acknowledging full satisfaction of his debt, on his motion, by his attorney, this cause is stricken from the docket.

J. M. Duff
vs ^{M.} Decree Final
M. W. Livingston
+ als.

Entered Clk O. B. p. 578
Nov. 11th 1893.

Enter this Decree,
this Nov 11 1893

H. L. K. M.

J. M. Huff Compt^r

vs.

M. H. Livingston et al Defs

In Chancery

This cause came on this day to be heard upon the bill of the Compt^r and exhibits filed therewith and was argued by counsel. On consideration of all which and ~~for~~ ^{it} appearing to the Court that process has been duly served upon the defendants, for more than 15 days before the first day of this term of the Court and said defendants failing to appear and plead in this cause, on motion of said plaintiff his bill is taken for confessed. It is therefore adjudged, ordered and decreed that R. L. Pennington who is hereby appointed a special commissioner for the purpose do take state and ascertain all liens against said defendants ^{lands} and to whom & when due, and their priorities if any exist; he will further ascertain what real estate said defendants or either of them own and whether the rental value thereof will pay in five years all judgment liens after the payment of all other liens. And he will report ~~any~~ other matter deemed pertinent by himself or ^{to do so} specially required by any one interested. And he will report his action to Court and this cause is continued

J. M. Luff

vol 1 Decem No. 1

M. H. Livingston

Entered on O.B.

Page 484.

June 8. 1893

J. A. & Hyatt C

Enter this
June 8th 1893
H. S. W. H.

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You, That of the Goods and Chattels of M. W. Livingston
and L. A. Maness

late in your Bailiwick, you cause to be made \$ 303.18, the penalty of a Forthcoming bond, to be discharged by payment of \$ 157.59, with legal interest thereon from the 6 day of June, 18 92, till payment, which

J. M. Duff
lately in our Circuit Court of Lee County, had recovered against them by motion on said bond

Also, \$ 7.50, which to the said Duff

in our Court were adjudged for his costs in that behalf expended whereof the said Livingston & Maness

are convicted, as appears to us of record. And that you have the same before the Judge of our said Court at the Court House on the first Monday in May next, to render to the said J. M. Duff

of the Debt and costs as aforesaid.


And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This 20th day of March 18 93, in the 117 year of the Commonwealth.

J. A. G. Hyatt Clerk.

C 3.75-
S 1.00
C 2.50
C 25
\$7.25

286) Airt (1844)
March 15/1893

J. M. Duff
as  Tri Sta

M. W. Livingston et al
Lo 1st May Rules 1893.

No security to be taken

Not Executed;
No Property found,
this May 1 1893,
H. P. Arrington,
Depty per C. E.
Toloney, S. L. C.

The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting:

WE COMMAND YOU TO SUMMON

M. W. Livingston
and C. F. Maness

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the ~~1st~~ *third* Monday in

May 1893 being rule day to answer a bill in Chancery exhibited in our said Court against

them by *J. M. Duff*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *4th* day of *May* 18*93* in the 11^{*7*} year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste..... Clerk.

545

J. M. Duff
3 Spa

Do in Chex

M. W. Livingston et al

To 2^d May Rules 1893

on May 8th 1893
Entered by
Delivering a
New copy of
to the within
Partes this May 8
1893 H P Livingston
Deputy for C. F. Filmercy S. L. C.

Entered on May 8th 1893 by deliver-
ing a true copy of the within Spec.
A - M. W. Livingston and C. F. Filmercy
in person, this May 8th 1893
H P Livingston Deputy for
C. F. Filmercy S. L. C.